

**WILKINSBURG BOROUGH COUNCIL MEETING**  
**Work Session**  
**February 15, 2012**

**CALL TO ORDER**

President Cohn called the meeting to order at approximately 6:35 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

**ROLL CALL**

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Evans, Ms. Trice, Ms. Moore (via telephone connection), Ms. Goodman, Ms. Macklin and President Cohn. Also present were, Marla P. Marcinko, Borough Manager and Mayor John Thompson. Ms. Ervin (due to the death of her brother) and Ms. McCarthy-Johnson were absent. A quorum was established.

**PLEDGE OF ALLEGIANCE**

President Cohn requested that a moment of silence be observed to remember victims of violent crime and in remembrance of Councilwoman Ervin's brother and the family member of Ms. Trice.

**PUBLIC COMMENT**

**Peter Maurin-7416 Lighthouse Point** – Mr. Maurin commented that he is pleased to see that Lighthouse Point is on the paving list and the increased police and code enforcement presence in response to complaints of illegal dumping in the area. He expressed concern regarding the type of resurfacing material selected for Lighthouse Point. President Cohn asked Borough Engineer, Dave Gilliland, to explain the application and reason for its selection. Mr. Gilliland advised that the dumping activity is illegal and is being addressed by the Code Enforcement Department. Additionally, the issue relating to heavy truck traffic is also being addressed. Mr. Gilliland explained the evaluation criteria and rating system to determine the most appropriate surfacing application for the street paving program.

**CAPITAL PLANNING**

**1. Approving scope of work for 2012 Street Paving Program.**

Mr. Gilliland suggested that the decision on slurry seal applications could be delayed. Ms. Marcinko recommended that the scope of work not be changed at this time. Both Mr. Gilliland and Ms. Marcinko recommended bidding as early as possible in order to obtain better pricing. Ms. Evans commented that the paving list was first developed in 2008 and has been revised and reviewed over the past several weeks and has received

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thoughtful review. Ms. Macklin questioned whether the decision to use the slurry seal application could be delayed until its integrity could be evaluated where it has been applied in other communities. Mr. Gilliland commented that other, poorer quality seals typically fail in about six months. He commented that the application has held up well in Forest Hills.

Ms. McCarthy-Johnson arrived at approximately 6:57 p.m.

Ms. Marcinko suggested that Council take action to prepare specifications based upon the proposed scope of work and, if it is later determined that the slurry seal application is not acceptable, that particular portion of the contract can be deleted and paving could be added.

**Moved:** Ms. Macklin

**Second:** Mr. Lefebvre

**All voted in favor of the motion. Motion carried.**

**PUBLIC COMMENT**

Mr. Maurin commented that he is pleased about the cease and desist order to be issued on the illegal dumping as well as Council's consideration to review the slurry seal application.

(A fire alarm in the building caused the suspension of the meeting at 7:03 p.m. The meeting resumed at approximately 7:10 p.m.)

Mr. Maurin continued his comments regarding dumping issues.

**Loretta Carter – 1124 Ross Ave.** – Expressed concerns regarding rumors she had heard about police department consolidation. President Cohn advised that Council is exploring all options to increase the safety of residents which includes contracted police services. President Cohn advised that Council would provide opportunity for the public to express their concerns at public hearings if the discussions progress further. Ms. Carter questioned the time frame for making a decision and whether any decision would be financially motivated. President Cohn explained that it is the obligation and responsibility of Council to explore all opportunities to improve services to residents.

**Kate Luxemburg – 432 Rebecca Ave.** – Commented on delinquent tax collection and Act 45 which allows collection of delinquent real estate tax from renters. She commented that the number of delinquent accounts is daunting and now is the time to clean up the data.

**Colleen McDonnell 2151 Laketon RD.** – Ms. McDonnell is a member of the Second United Presbyterian Church and is supportive of the Fruit Tree Planting Foundation

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proposal. The church operates a food pantry and could benefit from the food produced by the fruit trees.

**Audrey Franzetta - 1722 Arlington Rd.** – Ms Franzetta commented on an abandoned property she reported several months ago at 2329 Orlando Place. Ms. Marcinko will check on the status with Code Enforcement.

**SPECIAL PRESENTATION**

**Fruit Tree Planting Foundation Proposal**

Lazae LaSpina provided a brief history as to how this project came to fruition. Initially, vacant lots on Borough-owned properties were scouted to determine suitability specifically relating to size, access to water and ongoing maintenance being supported by those in proximity. This resulted in the selection of eight properties. Two lots rose to the top which were one by the Boys and Girls Club and the lot maintained by Second UP Church. A permaculture designer has been consulted to focus on a “food forest”. There is no cost to the Borough and the plantings would be donated by the FTFP. Ms. Macklin inquired as to how to control access to the fruit trees given that they will be on public property. Ms. LaSpina is looking at this as a pilot garden project with the hopes of residents planting on their own property with the foundation’s assistance. Ms. Macklin commented on the proposed Ardmore Boulevard gateway project and the possibility of an orchard at that location. Ms. LaSpina responded there is a possibility for program expansion from the Fruit Tree Planting Foundation. Ms. Goodman voiced her support of such a project but expressed concern about issues related to access to water. Ms. LaSpina advised that the Fruit Tree Planting Foundation Proposal is very aware of regulations for water and the need for irrigation. Ms. Evans voiced her support of such a project and the requirements for review by the Community Art & Civic Design Commission for any installations on public property which will trigger a public notification process. President Cohn thanked Ms. LaSpina for her work in the community, particularly the Whitney Avenue Art Gallery.

A motion was made by Ms. Evans, second by Ms. McCarthy-Johnson, to support the Fruit Tree Planting Foundation proposal to utilize public property for a demonstration project.

**All voted in favor of the motion. Motion carried.**

Ms. Macklin suggested that consideration will need to be given to potential liability issues.

**PUBLIC SAFETY**

**1. Discussion- Blackridge neighborhood parking concerns.**

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Vice-President McCarthy-Johnson informed Council of the recommendations of the Borough Engineer to establish a yield intersection on Collins Road at Hollywood St. for eastbound direction of travel, to establish no parking restrictions on Hollywood St. on the north side from the Borough line to Collins Road, to establish no parking restrictions on Arlington Rd. on the east side from Hollywood St. to Orlando Place and to establish no parking restrictions on Collins Rd. on the north side from Orlando Place to the Borough line. These recommendations have been made following a review of the area after receiving a petition from residents in the area. Ms. Macklin advised that she had reviewed the locations and supports the Engineer's recommendations. Ms. Moore commented that the streets are narrow and also agrees with the recommendations. Ms. Goodman questioned whether the no parking restrictions on only one side of the road are sufficient. She commented that this is a safety issue and that residents should be using their driveways. Ms. Marcinko read the Engineer's recommendations aloud. President Cohn suggested to move forward with the recommendations at this time and continue to monitor to determine if additional changes are warranted. Ms. Evans concurred. The residents in the audience supported an overnight parking restriction. Ms. Trice expressed concern regarding emergency vehicle access. Ms. McCarthy-Johnson commented on the difficulty in enforcing an overnight parking restriction.

A motion was made by Ms. Trice, second by Ms. Macklin, to authorize the advertisement of an ordinance to provide for the new parking restrictions per the Borough Engineer's recommendations.

Ms. Moore questioned whether the issue could be revisited after implementation of the new regulations with the answer being yes. Overnight parking is not included at this time.

**Yes:** Ms. Evans, Ms. Trice, Ms. Moore, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Cohn.

**No:** Ms. Goodman

**Motion carried 7:1**

Ms. Goodman commented that she did not vote in favor of the motion as petitions have been received for alternate action and residents voiced concerns.

Chief Coleman distributed the Police Department's annual report. President Cohn clarified that the new meeting format was intended to provide for the receipt of reports in advance and not require the attendance of department heads unless specific issues need to be addressed.

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Mayor Thompson commented about the burglaries in the Regent Square area. He commented about the purchase of the Nixle system. Ms. Macklin questioned if that expense is currently budgeted and that she is in support of using the system. President Cohn commented that he is in favor of the idea but did not think the system worked properly. Mayor Thompson commented that the system may have improved. He will have the Chief check on pricing and use of the system in other communities. Ms. Macklin requested a copy of contract as well.

Mayor Thompson announced that the Pittsburgh Symphony Orchestra will be at the Wilkinsburg High School on March 6, 2012. Tickets for adults are \$10.00 and \$7.00 for youth.

Wilkinsburg will honor the Borough's 125<sup>th</sup> Anniversary this year. An open house will be held on October 5, 2012 at Hosanna House. A parade will be held on October 6, 2012 with a gala in the evening. On October 7, 2012, Wilkinsburg Community Ministry is planning an all-inclusive service at Wilkinsburg High School. Decals may be purchased which commemorate the 125<sup>th</sup> Anniversary.

Ms. Moore questioned whether senior citizen discounts were available for the PSO. Mayor Thompson was not aware of senior pricing but will get the information.

**CAPITAL PLANNING**

**2. Process to develop landscaping plan for municipal building.**

Ms. Evans, Chairperson of the Capital Planning Committee, updated Council on progress of the capital planning process. She has been categorizing and reviewing various projects and has met with the Borough Engineer and obtained information from the Borough Manager. Ms. Evans is awaiting a capital asset policy from the DCED peer and expects to have a summary of all projects more fully flushed out in the next month.

Ms. Evans deferred to Ms. Marcinko to discuss the process to develop the landscaping plan for the municipal building. Ms. Marcinko informed Council that the plan must be reviewed and approved by the Wilkinsburg Community Art and Civic Design Commission as it is an installation on public property. Ms. Macklin suggested contacting local landscape designers to obtain a plan. President Cohn suggested talking with landscape architects to obtain ideas. Ms. Evans suggested a simple notice be published that the Borough is looking for interested local individuals or organizations to provide a plan. She suggested talking to the CACDC for suggestions and that any request would be more of a request for qualifications. A deadline for the project should also be included.

Ms. Evans advised that a RFP for a traffic circulation study is being developed. The intern at the WCDC has been working on the scope. A PPND grant is being considered as a potential source of funding. The preliminary application is due February 24, 2012.

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Submission of the grant application would also require WCDC Board approval. Ms. Evans inquired as to Council's interest in pursuing the project. There also may be a grant available through the Statel. Ms. Macklin inquired as to who would be the applicant. Ms. Evans stated that the WCDC would be the applicant on the PPND Grant and that the Borough could be the applicant on the State grant. Ms. Macklin expressed her support in working with the WCDC on this project.

A motion was made by Ms. McCarthy-Johnson, second by Ms. Moore, to support the WCDC application for PPND funding.

**All voted in favor of the motion. Motion carried.**

Ms. Evans would like to see a discussion on review of regulations for nuisance and campaign signs on a future agenda.

President Cohn reminded Council to submit requests for agenda items to the respective Chairperson or Manager in advance of the meeting.

**GENERAL MATTERS**

- 1. Award sale of American LaFrance ladder truck to Brindlee Mountain Fire Apparatus, LLC in the amount of \$172,980.26.**

**Moved:** Ms. Evans

**Second by:** Mr. Lefebvre

**All voted in favor of the motion. Motion carried.**

- 2. Approving Resolution 12-012 - VPRP application 753 Rebecca Ave.**

Ms. Macklin questioned the language in the Resolution which states that the application is being rejected, not approved. Ms. Marcinko advised that she caught the error and made the change to the Resolution.

**Moved:** Mr. Lefebvre

**Second by:** Ms. Evans

**All voted in favor of the motion. Motion carried**

- 3. Approving Resolution 12-013 – CITF application for demolition.**

Ms. Macklin commented that she is pleased to see that Borough-owned properties are listed on the application. In response to her inquiry, Ms. Marcinko advised that all are in an unsafe condition.

**Moved:** Ms. Macklin

**Second by:** Ms. McCarthy-Johnson

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Ms. Evans commented that she did not support the application as it reflects a scattered approach to removing structures and that the Borough has not been awarded a CITF grant for demolition as the County wants to see a plan for reuse following demolition in an effort to increase development. She commented that she will not be voting in favor of the application and that she supports demolition funds for the Penn Lincoln structure. President Cohn stated that he understood her position and that the lists were developed under prior direction given to the engineer for both demolition and paving.

**Yes:** Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Trice, President Cohn

**No:** Ms. Evans

**Motion carried 8:1**

**4. Approving Resolution No. 12-014-CITF application for paving.**

President Cohn read aloud the list of streets and costs.

**Moved:** Mr. Lefebvre

**Second by:** Ms. McCarthy-Johnson

**Yes:** Ms. Trice, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Cohn

**No:** Ms. Evans

**Motion carried 8:1**

**5. Discussion – Acquisition of Green Street Park**

Ms. Marcinko provided the background information to Council on this subject. Ms. McCarthy-Johnson commented that the Parks & Recreation Advisory Board had considered potential development of the property. She believes that the school district should keep and maintain the park if it can't be developed. Ms. Evans commented that she does not believe restrictions should apply and be a contingency on the transfer of the property. She further stated that there are enough recreation opportunities in that area already and the Borough has struggled with properly maintaining the property. Ms. Macklin questioned whether there was community interest in having a park at that location. Ms. McCarthy-Johnson commented that she did not believe so and agreed with Ms. Evans that there are many other recreation opportunities in the area. Mayor Thompson suggested Council President meet with the school board.

**6. Discussion – Telephone attendance policy.**

President Cohn commented that since this has been permitted over the past several months, some members believe that there should be a policy in place. Mr. Cohn read aloud the proposed policy. Ms. Moore commented that she will continue to attend by phone until she has a medical release from her doctor. Ms. Macklin questioned whether other communities were contacted and Ms. Marcinko advised that she had done so and none of the communities had a policy in place but most did allow participation by phone. President Cohn asked to add a clause to increase the number of times members can participate by phone for severe circumstances. Ms. Goodman commented it would be confusing with more than two members at a time. Ms. Evans stated that she is not really in favor at all and that limitations should be established. Ms. Macklin questioned whether Council can legally restrict participation and President Cohn stated that the Solicitor advised that to be the case. Mr. Lefebvre stated that the number of members participating at one time and the number of times used should be limited. Ms. McCarthy-Johnson questioned how to deal with extenuating circumstances. Ms. Trice questioned why a policy is being considered if there is no abuse now and Council should wait until an issue with the activity arises. President Cohn stated that this was placed on the agenda because other members had suggested there should be a policy. Mr. Lefebvre and Ms. McCarthy-Johnson agreed there should be a policy. Ms. Goodman agreed that there should be a limit on the number of members who can participate by phone at one time.

A motion was made by Ms. Goodman, second by Mr. Lefebvre, to allow no more than two Council members to participate in Council meetings by phone and provided that 4 hours' notice is provided to the President of Council or Borough Manager.

**Moved:** Ms. Moore

**Second by:** Mr. Lefebvre

**Yes:** Ms. Macklin, Ms. McCarthy-Johnson, Ms. Goodman, Ms. Moore, Ms. Trice,  
Mr. Lefebvre, Ms. Evans, President Cohn

**Motion carried**

In response to Ms. Macklin's inquiry, there will be no restriction on the reason for participation by phone.

**7. Discussion – Conference attendance policy.**

President Cohn stated that some discussion had been held on this topic at the last meeting. Mr. Lefebvre commented the motion had been that no more than two members of Council can attend the same conference. There is \$5,000 budgeted for Mayor and



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Council to attend conferences which could equate to \$500.00 per Council member and the Mayor. Mr. Lefebvre proposed that Council members incur any expense in excess of the \$500.00 stating that this would allow every Council member and the Mayor the opportunity to attend a conference. Ms. Evans stated that this seemed fair. Mayor Thompson expressed concern that registration fees for some conferences are high and that he has not attended the National Black Mayor's conference for several years due to cost. Ms. Moore inquired as to staff attendance at conferences. President Cohn stated that the proposed policy applies to Mayor and Council only and that staff should be handled separately. Mayor Thompson commented on the benefits of networking. President Cohn inquired as to how to deal with out of state travel and if more than 2 members want to attend the same conference. Ms. Trice questioned why the topic is on the agenda. Ms. Macklin questioned the policy in other municipalities. President Cohn commented that Council should be able to arrive at an equitable solution. Ms. Moore questioned whether Mr. Cohn is willing to return his Council salary to the Borough.

A motion was made by Mr. Lefebvre second by Ms. Evans, to limit conference attendance by Council Members to two members per conference and \$500 per Council member.

**Yes:** Ms. Evans, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre, President Cohn

**No:** Ms. Trice, Ms. Moore, Ms. Macklin

**Motion carried 5:3**

President Cohn commented that the policy should have been addressed during budget season.

**8. Discussion – Delinquent tax collection.**

President Cohn opened the discussion by commenting that Council did not take action at the last meeting to turn over delinquent tax and MSF collections to the delinquent tax collector until additional information is obtained on contractual obligations.

Ms. Marcinko stated that Council has been provided copies of the agreements with Portnoff Law Associates and that, until the delinquent accounts are turned over to a collector, there is no mechanism by which to collect 2011 delinquent taxes. Payoff amounts being issued to taxpayers by PLA will not include 2011 delinquent amounts. She cautioned that it is ill-advised and irresponsible to not have a collector for 2011 delinquent taxes and requested that action be taken to turn over the accounts to Portnoff Law Associates and suggesting issuing a RFP for services in the next year. Ms. McCarthy-Johnson commented that she has asked for a review of PLA's collection process for three years and disagrees with turning the accounts over. Ms. Evans agrees on the need for a tax collector for 2011 and the importance of a process for more frequent

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review of delinquent collections and that more information is needed to make a decision. Ms. Trice commented that she had tried to introduce a local firm for this service when she had Maillo, Brungo and Maillo make a presentation to Council some time ago regarding their delinquent tax collection service. Ms. Macklin commented on the need for an effective local collector who also collects under Act 45. Ms. Macklin provided notice requirements and would like an opinion. She commented on the need to decide what Council wants the Borough Manager to focus on under legislative goal setting. President Cohn reminded Ms. Macklin she was serving on Council when Portnoff Law Associates was originally hired and recalled complaints about fees but Council had always supported their retention as they did a good job. Ms. Macklin stated that a decision needs to be made post haste. President Cohn inquired as to Council's interest in pursuing options for a delinquent tax collector. Assuming there is no legal impediment, Council needs to pursue options in a thoughtful way so as to not lose any revenue. Ms. Goodman suggested checking with Portnoff Law Associates about contract obligations and setting a realistic time line for the RFP process.

A motion was made by Ms. Evans, second by Mr. Lefebvre, to turn over the 2011 delinquent taxes to Portnoff Law Associates.

**Yes:** Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, Ms. Moore, Ms. Trice, Ms. Evans, Mr. Lefebvre, President Cohn

**Motion carried**

President Cohn requested that discussion on delinquent tax collection be placed on the next agenda. Ms. Macklin informed Council of the need to focus on sheriff's sales, etc. Ms. Marcinko advised that she has collection reports from PLA for the years 1999-2011. She commented on what should be considered when evaluating tax collection services. Ms. Evans questioned whether sheriff's sale is a reasonable mechanism by which to move property.

President Cohn asked to move the discussion relating to legislative goals for 2012-2013 to the March 21, 2012 agenda as he has not received input from Council members.

Mr. Cohn announced that Council would be adjourning to executive session to discuss personnel matters.

**ADJOURNMENT**

Being no further business, on motion by Ms. Trice, second by Ms. Evans, the meeting was adjourned at approximately 9:48 PM.

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Jason Cohn, Council President